

JUDGE KAPLAN

06 Cv

(N.Y. Supreme Court, New York County
Index No. 110901/06)

NOTICE OF REMOVAL

AUG 8 9 2006

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

1. On August 3, 2006, plaintiff filed a civil action against the Hospital in the Supreme Court of New York, New York County, Index No. 110901/06 ("State Court Action").

2. It appears that on or about August 8, 2006, plaintiff sent a Summons With Notice along with a Statement of Service by Mail and Acknowledgement of Receipt by Mail of Summons and Notice to the Hospital.

3. Pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446, the Hospital removes this action to the United States District Court for the Southern District of New York, as that is the United States judicial district in which this action is pending.

4. From the face of the Summons With Notice, plaintiff could have brought this action in this Court under this Court's original jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1367.

5. Plaintiff asserts claims for alleged breaches of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e; Title VII §704(a), 42 U.S.C. §2000e-3(a); the Fair Labor Standards Act, 29 U.S.C. §215(a)(3); and the First Amendment of the United States Constitution. As a result, plaintiff asserts questions of federal law. (The Summons With Notice is attached as Exhibit A hereto).

6. Actions asserting claims under these statutes and the United States Constitution are clearly removable.

7. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days of receipt of the Summons With Notice, and within one (1) year of the commencement of the action.

8. True and accurate copies of all state-court papers served on the Hospital at the time of removal, consisting of the Summons With Notice, are attached hereto as Exhibit A.

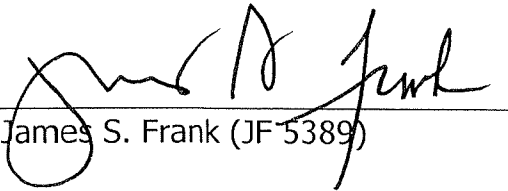
9. Written notice of the filing of this Notice of Removal will be filed with the Clerk of the Supreme Court of New York, New York County and served on all parties to this action as required by law.

10. The Hospital expressly reserves the right to raise all defenses and objections to any of plaintiff's claims, to move to dismiss or to otherwise plead any counterclaim, third party claim, or the like, after the action is removed to the United States District Court for the Southern District of New York.

WHEREFORE, Defendant The New York and Presbyterian Hospital, by counsel, removes the subject action from the Supreme Court of New York, New York County, to this United States District Court for the Southern District of New York.

Dated: New York, New York
August 28, 2006

SILLS CUMMIS EPSTEIN & GROSS P.C.

By: 
James S. Frank (JF-5389)

30 Rockefeller Plaza
27th Floor
New York, New York 10112
(212) 643-7000

Attorneys for Defendant
The New York and Presbyterian Hospital

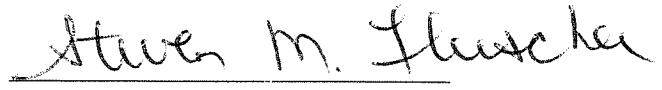
CERTIFICATE OF SERVICE

The undersigned, an attorney duly licensed to practice before this Court, certifies that he caused a true copy of the attached Notice of Removal to be served by hand upon the following:

Josh H. Kardisch, Esq.
Kardisch Link & Associates, P.C.
53 North Park Avenue, Suite 201
Rockville Centre, NY 11570
Attorneys for Plaintiff

Clerk
New York Supreme Court
New York County
60 Centre Street, Room 161
New York, New York 10007

I certify under penalty of perjury that the foregoing is true and correct.


Steven M. Fleischer (SF 9069)

Dated: New York, New York
August 28, 2006

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: 110901/06
Date Purchased: 8/3/06

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FAITH LEIBOW,

Plaintiff,

Plaintiffs designates
New York County
as the place of trial

- against-

The basis of venue is
Defendant's place of
business

NEW YORK PRESBYTERIAN HOSPITAL,

Defendant
-----X

**SUMMONS WITH
NOTICE**

To the above named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a Notice of Appearance, on the Plaintiffs' Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the notice set forth below.

Dated: July 24, 2006
Rockville Centre, New York

KARDISCH, LINK & ASSOCIATES, P.C.

By


JOSH H. KARDISCH, ESQ.

Attorneys for Plaintiff

FAITH LEIBOW

53 North Park Avenue, Suite 201

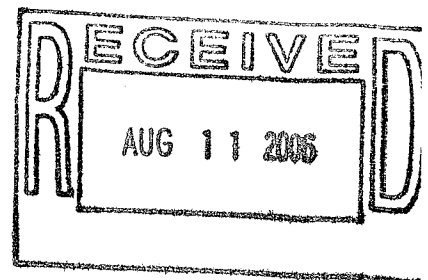
Rockville Centre, New York 11570

(516) 255-4160

Fax: 516-255-4163

Defendant's addresses: 630 West 168th Street
New York, NY 10032

525 E. 68th St.
New York, NY 10021



Notice: The object of this action is to recover for lost earnings, compensatory/non-pecuniary and punitive damages, and attorneys fees, expenses and costs to which Plaintiff is entitled by virtue of defendant having created and having maintained a hostile work environment, having retaliated against plaintiff for exercising her rights under Local,

State and Federal law, and having violated and continuing to violate Title VII of the Civil Rights Act of 1964 (42 USC § 2000e), Title VII § 704(a) (42 USC § 2000e-3(a)), the Fair Labor Standards Act, 29 USC § 215 (a)(3), New York Human Rights Law, NY Executive Law § 296(7), N.Y. Labor Law §§ 740 & 741, New York City Administrative Code §8-107, the First Amendment to the United States Constitution and New York Public Health Law, NY CLS Pub Health §1 (2006), et. seq. The relief sought is \$10,000,000.00.

Upon your failure to appear, judgment will be taken against you by default for the sum of \$10,000,000 with interest from October 2001 and the costs of this action.